

IOWA DEPARTMENT OF TRANSPORTATION

AGENDA ITEMS/COMMISSION ORDERS

Tuesday, August 14, 2012
 Rastrelli's Restaurant
 238 Main Avenue
 Clinton, Iowa

ITEM NUMBER	TITLE	SUBMITTED BY	PAGE
D-2013-5 8:00 a.m.	*Approve Minutes of the July 10, 2012, Commission Meeting Commission Comments Staff Comments	Connie Page	1
MV-2013-6 8:05 a.m.	*Administrative Rule – 761 IAC 615.17(2) (Kadyn's Law)	Paul Trombino III	2
PPM-2013-7 8:10 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Butler County (Delegation)	Stu Anderson	6
PPM-2013-8 8:15 a.m.	*Revitalize Iowa's Sound Economy (RISE) Application – Burlington (Delegation)	Stu Anderson	9
PPM- 2013-9 8:20 a.m.	*Approval of the FY 2013 Transit Program (Public Transit Infrastructure, New Freedom, and Job Access and Reverse Commute programs)	Stu Anderson	12
PPM-2013-10 8:25 a.m.	*Commercial and Industrial Network Addition	Stu Anderson	14
8:30 a.m.	Adjourn		

*Action Item

On Monday, August 13, the Commission and staff will tour transportation projects in eastern Iowa starting a 10 a.m. at the Hampton Inn, 2781 Wild Rose Circle South, in Clinton and ending around 3 p.m. at Rastrelli's Restaurant, 238 Main Avenue, in Clinton. The Commission and staff will hold an informal workshop at Rastrelli's beginning at 3:30 p.m. Transportation-related matters will be discussed but no action will be taken. After the workshop, the Commission and staff will take a boat tour on the Mississippi River looking at two freight harbor operations, existing railroad bridge and proposed high bridge, and highway river crossings.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2013-5
Submitted by Connie Page Phone No. 515-239-1242 Meeting Date August 14, 2012
Title Approve Minutes of the July 10, 2012, Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the July 10, 2012, Commission meeting.

COMMISSION ACTION:

Moved by Reasner Seconded by Rose

	Aye	Vote Nay	Pass
Blouin	<u>X</u>	_____	_____
Cleveland	<u>X</u>	_____	_____
Miles	<u>X</u>	_____	_____
Reasner	<u>X</u>	_____	_____
Rose	<u>X</u>	_____	_____
Wiley	<u>X</u>	_____	_____
Yanney	<u>X</u>	_____	_____

Division Director Legal State Director

Commission Comments

1. Commission Tour on Monday, August 13

On behalf of the Commission, Commission Chair Miles welcomed everyone and expressed appreciation to the city of Clinton and all the people involved in putting yesterday's tour together. The group saw lots of bridges and some wonderful scenery. We had a workshop yesterday afternoon and then were entertained on a boat ride on the Mississippi River and actually got to go through Lock 13 which was a great experience.

2. Congressman Dave Loebsack

Commissioner Reasner expressed appreciation to Congressman Dave Loebsack for taking time out of his busy schedule and joining the Commission on part of our tour yesterday.

Staff Comments

1. State Fair

Director Paul Trombino III said the Department has a booth at the state fair and staff will be every day showing a lot of the information we have on the system. In addition, we have a new driver's test ap that can be used on the I-PAD, and he encouraged people going to the fair to stop at the Department's booth.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director Order No. MV-2013-6
Submitted by Paul Trombino III, P.E. Phone No. 515-239-1111 Meeting Date August 14, 2012
Title Administrative Rule – 761 IAC 615.17(2) (Kaydn’s Law)

DISCUSSION/BACKGROUND:

2012 Iowa Acts, Senate File 2218, required the department to initiate rulemaking by July 1, 2012, to establish violations for passing a stopped school bus to be deemed a serious violation with increasing periods of driver's license suspension for first, second or subsequent violations.

The Iowa Transportation Commission approved the rule amendments needed to comply with 2012 Iowa Acts, Senate File 2218, at its July 10, 2012, meeting. The adopted and filed document was published in the August 8, 2012, *Iowa Administrative Bulletin* with an effective rule amendments date of September 12, 2012.

The attached Adopted and Filed Emergency After Notice document will change the effective date of the rules from September 12, 2012, to August 15, 2012, so the rules are in effect prior to the 2012-2013 school year.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the attached Adopted and Filed Emergency After Notice document to amend the effective date of these rule amendments.

COMMISSION ACTION:

Moved by Cleaveland Seconded by Reasner

	Aye	Nay	Pass
Blouin	X		
Cleaveland	X		
Miles	X		
Reasner	X		
Rose	X		
Wiley	X		
Yanney	X		

Division Director Legal State Director

Filed Date	8-15-12
ARC Number	
Publication Date	9-5-12
Effective Date	8-15-12

TRANSPORTATION DEPARTMENT [761]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, and 2012 Iowa Acts, Senate File 2218, section 5, the Iowa Department of Transportation, on August 14, 2012, adopted an amendment to Chapter 615, "Sanctions," Iowa Administrative Code.

2012 Iowa Acts, Senate File 2218, section 2, amended Iowa Code section 321.372 to increase penalties for illegally passing a stopped school bus. 2012 Iowa Acts, Senate File 2218, section 5, required the Department to initiate rule making to establish that a violation of Iowa Code subsection 321.372(3) is a serious violation. The amendment imposes driver's license suspension periods of 30 days for a first conviction, 90 days for a second conviction, and 180 days for a third or subsequent conviction under Iowa Code subsection 321.372(3).

Notice of Intended Action for this amendment was published in the June 13, 2012, Iowa Administrative Bulletin as ARC 0158C. The amendment was Adopted and Filed and published in the August 8, 2012, Iowa Administrative Bulletin as ARC 0250C, effective September 12, 2012. However, because of public comment, the Department determined that the amendment should become effective prior to the beginning of the 2012-2013 school year. This rule making changes the effective date from September 12, 2012, to August 15, 2012.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761-- Chapter 11.

This amendment is identical to the one published under Notice of Intended Action and Adopted and Filed.

The Department finds that this amendment confers a benefit on the public by increasing the safety of students boarding and departing Iowa school buses and should be effective prior to the beginning of the 2012-2013 school year. Therefore, this amendment is filed pursuant to Iowa Code subparagraph 17A.5(2)"b"(2), and the September 12, 2012, effective date is replaced with a August 15, 2012, effective date.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code subsection 321.372(3) and 2012 Iowa Acts, Senate File 2218.

This amendment became effective on August 15, 2012, at which time the Adopted and Filed amendment was rescinded.

The following amendment is adopted

Amend rule 761—615.17(321) as follows:

761—615.17(321) Suspension for a serious violation.

615.17(1) No change.

615.17(2) “*Serious violation*” means that:

a. to c. No change.

d. The person was convicted of violating Iowa Code subsection 321.372(3). The suspension period shall be:

(1) 30 days for a first conviction under Iowa Code subsection 321.372(3).

(2) 90 days for a second conviction under Iowa Code subsection 321.372(3).

(3) 180 days for a third or subsequent conviction under Iowa Code subsection 321.372(3).

This rule is intended to implement Iowa Code sections 321.210, 321.372 as amended by 2012 Iowa Acts, Senate File 2218, sections 2 and 5, and 321.491.

Date

Paul Trombino III, Director

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-7
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 14, 2012
 Title Revitalize Iowa's Sound Economy (RISE) Application – Butler County (Delegation)

DISCUSSION/BACKGROUND:

Butler County submitted a RISE Immediate Opportunity application requesting a grant to assist in construction of approximately 2,400 feet of new roadway north of 220th Street located northwest of Shell Rock. This project is anticipated to be completed by July 2013.

Because this project will provide improved access to more than 31 acres for industrial and manufacturing purposes and to maximize RISE support for this project, staff evaluated the application as a RISE Local Development project.

The evaluation and rating for the project will be discussed.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2012 round of applications and award a RISE grant of \$303,496 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE Fund.

		Vote		
COMMISSION ACTION:		Aye	Nay	Pass
Moved by _____	Seconded by _____			
		_____	_____	_____
		_____	_____	_____
		_____	_____	_____
		_____	_____	_____
		_____	_____	_____
		_____	_____	_____
		_____	_____	_____

_____	_____	_____
Division Director	Legal	State Director

PPM-2013-7

Stuart Anderson, Planning, Programming and Modal Division, said Butler county submitted an immediate opportunity RISE funding request to construct approximately 2,400 feet of new roadway north of 220th Street northwest of Shell Rock. This project will provide improved access to more than 31 acres for industrial and manufacturing purposes.

To maximize RISE funding for this project, staff evaluated this application as a RISE local development project. Under RISE local development criteria this project scored 47 points. The total estimated project cost is \$606,991 and the county is requesting a RISE grant of \$303,496 which is 50 percent of the total RISE eligible project cost. Butler county will provide a 50 percent local match. He introduced Jeff Kolb, Butler County Resource and Development Group.

Mr. Kolb introduced John Riherd, Butler County Engineer, and Bill Rhodes, Iowa Northern Railway. Mr. Kolb said this will be their first rail-served industrial park. It is a project they have been working on for three to four years. Right across from the rail is their ethanol refinery which has driven the development in this park. They are currently working with two active prospects for the park and are to the point where they need to get some infrastructure in place. They have commitments from Central Iowa Rural Water to provide the water and sewage treatment. The local telephone company will run fiber optics to the park. The investment will be fairly substantial and there are a lot of partners in the project in addition to the Iowa Northern Railway.

Mr. Anderson reviewed the recommendation of staff.

Commission Blouin moved, Commissioner Rose seconded the Commission, based on the capital investment commitment and potential for future job creation, reclassify the project as a RISE Local Development project in the February 2012 round of applications and award a RISE grant of \$303,496 or up to 50 percent of the total RISE-eligible project cost, whichever is less, from the county share of the RISE fund. All voted aye.

**DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER**

Division/Bureau/Office Planning, Programming and Modal Division
Office of Systems Planning Order No. PPM-2013-8
 Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 14, 2012
 Title Revitalize Iowa's Sound Economy (RISE) Application – Burlington (Delegation)

DISCUSSION/BACKGROUND:

The city of Burlington submitted a RISE Immediate Opportunity application requesting a grant to assist in reconstruction of approximately 2,323 feet of Bluff Road and construction of a right-turn lane on Des Moines Avenue located on the northeast side of Burlington. This project is anticipated to be completed by September 2013.

These improvements are necessary to provide improved access to the expansion site of the CNH manufacturing facility that produces Case and New Holland brands of construction and agricultural equipment. This company conforms to the legislative requirements of the RISE program.

The roadway will support:

- The creation of 118 new jobs at this facility.
- \$16,002,628 in associated capital investment.

The RISE cost per job assisted will be \$7,822.03, and there will be a total capital investment of \$17.34 for each RISE dollar requested.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$923,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE Fund.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

 Division Director Legal State Director

PPM-2013-8

Stuart Anderson, Planning, Programming and Modal Division, said the city of Burlington submitted an immediate opportunity RISE funding request to reconstruct approximately 2,323 feet of Bluff Road and to construct a right-turn lane on Des Moines Avenue located on the northeast side of Burlington. These improvements are necessary to provide improved access to the expansion of CNH manufacturing facility that produces Case and New Holland brands of construction and agricultural equipment. This project will result in the creation of 118 new jobs along with an associated capital investment of more than \$16 million. The average starting wage of the positions to be created is \$17.29 per hour which is about 100 percent of the average wage rate for Des Moines county.

Mr. Anderson said staff's recommendation would be a RISE grant of \$923,000 which is 80 percent of the total project cost with a local match of 20 percent. The job creation commitment results in a RISE cost per job assisted ratio \$7,822.03 and a total capital investment per RISE dollar of \$17.34. He introduced Jim Ferneau, Burlington City Manager.

Mr. Ferneau introduced Zach Janes, Southeast Iowa Regional Planning Council. Mr. Ferneau said Case was in a spot in 2007 where they weren't sure they were going to continue but they have rebounded within the construction and agricultural equipment area so this is a great opportunity to add jobs to their area. The existing road that services that area is in need of work. This project will be a major improvement along with the additional turn lane. Truck traffic is estimated to double in and out of that area. Long term this area is also where a bike trail will go through so this project will help to set it up making sure the roadway meets the safety separation they otherwise wouldn't have.

Mr. Anderson reviewed staff's recommendation.

Commissioner Wiley moved, Commissioner Reasner seconded the Commission, based on the capital investment and job creation commitments, award a RISE grant of \$923,000 or up to 80 percent of the total RISE-eligible project cost, whichever is less, from the city share of the RISE fund. All voted aye.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division
Office of Public Transit Order No. PPM-2013-9

Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 14, 2012

Title Approval of the FY 2013 Transit Program (Public Transit Infrastructure, New Freedom, and Job Access and Reverse Commute programs)

DISCUSSION/BACKGROUND:

Approval is requested for the fiscal year (FY) 2013 Transit Program. Specific project recommendations for the Public Transit Infrastructure, New Freedom, and Job Access and Reverse Commute programs are listed on the attachment.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the FY 2013 Transit Program as attached.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

Division Director Legal State Director

PPM-2013-9

Stuart Anderson, Planning, Programming and Modal Division, said last month staff presented a recommendation for three transit programs:

- State Public Transit Infrastructure Program which supports vertical infrastructure needs at Iowa's transit agencies.
- Federal New Freedom Program which expands services for persons with disabilities.
- Federal Job Access and Reverse Commute Program which provides transportation services to assist persons finding and keeping gainful employment.

Mr. Anderson requested Commission approval of the fiscal year 2013 Transit Program with the list of projects presented with the commission order.

Commissioner Rose moved, Commission Cleaveland seconded the Commission approve the FY 2013 Transit Program. All voted aye.

Commission Chair Miles asked where a person could find the list of projects. Mr. Anderson said it is on the Office of Public Transit's website on the Iowa DOT website.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Planning, Programming and Modal Division Order No. PPM-2013-10

Submitted by Stuart Anderson Phone No. 515-239-1661 Meeting Date August 14, 2012

Title Commercial and Industrial Network Addition

DISCUSSION/BACKGROUND:

The department has completed an evaluation of a request to add a section of U.S. 63 to the Commercial and Industrial Network (CIN). The section requested for addition to the CIN begins at the junction with Iowa 163 south of Oskaloosa and ends at the junction with U.S. 20 in Waterloo.

This section of U.S. 63 meets the criteria for inclusion to the CIN and the addition can be accommodated without exceeding the legislatively established statewide CIN mileage limitation.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the addition to the CIN of U.S. 63 from the junction with Iowa 163 south of Oskaloosa to the junction with U.S. 20 in Waterloo.

COMMISSION ACTION:

Moved by _____ Seconded by _____

	Aye	Vote Nay	Pass
Blouin	_____	_____	_____
Cleaveland	_____	_____	_____
Miles	_____	_____	_____
Reasner	_____	_____	_____
Rose	_____	_____	_____
Wiley	_____	_____	_____
Yanney	_____	_____	_____

Division Director _____ Legal _____ State Director

PPM-2013-10

Stuart Anderson, Planning, Programming and Modal Division, said last month staff visited with the Commission about a request from the East Central Iowa Transportation Coalition to add U.S. 63 from Oskaloosa north to Waterloo to the Commercial and Industrial Network (CIN). This segment meets the criteria for inclusion to the network and its addition does not exceed the legislative mileage cap for the CIN. Staff recommends the Commission approved this addition.

Commissioner Cleaveland moved, Commissioner Wiley seconded the Commission approve the addition to the CIN of U.S. 63 from the junction with Iowa 163 south of Oskaloosa to the junction with U.S. 20 in Waterloo. All voted aye.

Meeting adjourned at 8:15 a.m.